

# ***Headquarters U.S. Air Force***

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## **DOD OVERVIEW VICTIM-WITNESS ASSISTANCE PROGRAM**



**MAJOR LOU CHERRY  
CHIEF, JUSTICE & COURT  
ACTIVITIES  
AIR FORCE LEGAL SERVICES  
AGENCY**

**U.S. AIR FORCE**

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# ***Sources of Authority***

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- **42 USC § 10601 et seq.**
- **18 USC §§ 1512-1514**
- **DODD 1030.1**
- **DODI 1030.2**
- **Service Regulations**
- **Service Policies**



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# ***Definitions***

- ***Victim:*** A person who has suffered direct physical, emotional, or pecuniary harm as a result of the commission of a crime committed in violation of the UCMJ (Chapter 47 of 10 U.S.C., or in violation of the law of another jurisdiction if *any portion* of the investigation is conducted *primarily* by the DoD Components) including...



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# ***Victims***

- **Military members and their family members.**
- **When stationed outside the continental United States, DoD civilian employees and contractors, and their family members. This applies to services not available to DoD civilian employees and contractors, and their family members, in stateside locations, such as medical care in military medical facilities.**



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# ***Victims***

- **When a victim is under 18 years of age, incompetent, incapacitated, or deceased, the term includes one of the following (in order of precedence): a spouse, legal guardian, parent, child, sibling, another family member, or another person designated by the court or the Component Responsible Official, or designee.**

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# ***Victims***

**For an institutional entity: an authorized representative of the entity. Federal Departments and State and local agencies, as entities, are not eligible for services available to individual victims.**



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# ***Witness***

**A person who has information or evidence about a crime, and provides that knowledge to a DoD Component about an offense in the investigative jurisdiction of a DoD Component. When the witness is a minor, that term includes a family member or legal guardian. The term does not include a defense witness or an individual involved in the crime as a perpetrator or accomplice.**



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# ***DoD Policy***

- **The necessary role of crime victims and witnesses in the criminal justice process should be enhanced and protected**
- **DoD Components *shall* do all that is possible within limits of available resources to assist victims and witnesses of crime without infringing upon the constitutional rights of an accused.**





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# ***DoD Policy***

***Particular attention should be paid to victims of serious, violent crime, including child abuse, domestic violence, and sexual misconduct.***



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# ***Victim's Rights Under VRRRA***

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- **Treated with fairness and respect**
- **Reasonably protected from accused**
- **Notified of court proceedings**
- **Attend public court sessions**
  - **Unless judge determines testimony would be materially affected if they hear other testimony**



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# ***Victim's Rights Under VRRRA***

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- **Victims have statutorily designated advisory role in decisions involving prosecutorial discretion (e.g. plea bargains), however, . . .**
  - **Victim's views considered but DO NOT supersede decision-maker's authority**
- **Right to available restitution**
- **To be informed about conviction, sentencing, imprisonment, parole eligibility & release**
- **But....no cause of action**



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# ***VWAP Multidisciplinary Approach***

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- **Responsible officials**
- **Legal**
- **Security “Police”**
- **Special Investigations**
- **Medical**
- **Family Advocacy**
- **Family Support**
- **Chaplain**
- **Commanders**
- **First Sergeants**

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# ***VWAP Responsibilities***

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- **Initial info & services - DD FORM 2701**
  - **Initial contact**
  - **Provide victim w/names/#s of investigator, V/W resp. official, JA POC, state crime victim compensation office**
  - **Provide info re med care, counseling or temp shelters, possible state/local restitution or relief, transitional compensation**



# ***VWAP Responsibilities***

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- **Info/services during investigation and prosecution--DD FORM 2702**
  - **Status of investigation**
  - **Arrest/Apprehension of alleged offender**
  - **Filing of charges (preferral)**
  - **Scheduling of each court proceeding**
  - **Release or detention status of an offender or alleged offender**
  - **Acceptance of a guilty plea or rendering of a verdict after trial; and**
  - **Sentence imposed, including parole eligibility date**



# ***VWAP Responsibilities***

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- **Post trial info/services**
  - **DD FORM 2703**
  - **Discuss post-trial process with V/W**
    - **Location of confinement facility, clemency/parole considerations, CA action, notification rights**
  - **Notification of right to request written notification of changes in inmate's status (via the DD FORM 2704)**
    - **Transfer to another facility, parole, escape, release, or death**



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# ***AF VWAP Responsibilities***

- **V/W certification and election concerning inmate status - DD FORM 2704**
  - **DD FORM 2704 must be completed for every case involving confinement**
  - **If there are no eligible V/Ws entitled to notification, TC signs/certifies in Sec II**
  - **Send 2704 to confinement facility & central repository**





# ***AF VWAP Responsibilities***

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- **V/W certification and election concerning inmate status - DD FORM 2704**
  - **If there are eligible V/Ws, TC certifies in Sec III that they were notified re:**
    - **Status of inmate (sentence, earliest release, etc.) and possibility of clemency & parole**
    - **Right to prior notification of inmate's parole hearings, release, escape, death**
    - **Need to provide required info in Sec IV**

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# ***Other Sources of Compensation***

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- **Transitional Compensation/Retirement Pay**
- **Payment for sexually transmitted disease tests (42 USC §10607 (C))**
- **Foreign Claims Act**
- **Article 58b, UCMJ**
- **Article 57a, UCMJ**
- **Article 139, UCMJ**
- **Restitution (R.C.M. 705(c)(2)c)**
- **Governmental Agencies; NGOs**



# ***VWAP Sources***

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- **DOJ - Office For Victims Of Crime**  
**<http://www.Ojp.USdoj.Gov/ovc>**
- **DOD Web-site:**  
**<http://dod.mil/vwac/>**
- **National Center for Victims of Crime**  
**<http://www.ncvc.org>**